



May 4, 1999

Lieutenant Terry Lichtie
Amarillo Police Department
City of Amarillo
200 East Third Street
Amarillo, Texas 79101-1514

OR99-1211

Dear Lieutenant Lichtie:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125826.

The City of Amarillo Police Department received a request for “adjudicated information on” a named individual including investigative and incident reports, complaints, and photographs and videotapes.” You seek to withhold the requested information under section 552.101 of the Government Code.

Section 552.101 requires withholding, *inter alia*, information made by judicial decision. You invoke the common-law privacy aspect of section 552.101. A law enforcement agency’s release of criminal history records responsive to a general request for a particular individual’s criminal history would violate that individual’s common-law privacy rights. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 179 and 188 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also, United States Dep’t of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). The request here, however, is not limited to criminal history information about the named individual, and, moreover, the information you have submitted as responsive is not criminal history information about him: it does not treat him as having been suspected of, charged with, or convicted of a crime. Nor do the submitted records contain information otherwise protected by common-law privacy. Therefore, you may not withhold the submitted information under common-law privacy.

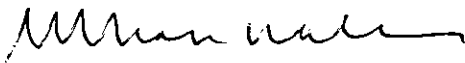
You also contend that the requested records include an accident report subject to article 6701d of Vernon’s Texas Civil Statutes.¹ However, the accident report you submitted is not

¹The Seventy-Fifth Legislature, repealed, codified, and amended V.T.C.S. article 6701d, concerning the disclosure of accident report information. Act of May 29, 1997, S.B. 1069, §13, 75th Leg., R.S. (to be codified at Transp. Code §550.065). However, a Travis County district court has issued a temporary injunction

one subject to article 6701d. *See id.* § 45(b), now Trans. Code § 550.063 (accident reports under these provisions to be on official forms). Thus the submitted report is not subject to the restrictions on release in article 6701b. It must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/eaf

Ref.: ID# 125826

encl. Submitted documents

enjoining the enforcement of section 13 of SB 1069. *Texas Daily Newspaper Association v. Morales*, No. 97-08930 (345th Dist. Ct., Travis County, Tex., Aug. 29, 1997) (order granting temporary injunction). A temporary injunction preserves the status quo until the final hearing of a case on its merits. *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589 (1962). The status quo of accident report information prior to the enactment of SB 1069 is governed by section 47 of article 6701d, V.T.C.S.

Section 47(b)(1) provides that:

The Department [of Public Safety] or a law enforcement agency employing a peace officer who made an accident report *is required to release a copy of the report* on request to:

....

(D) a person who provides the Department or the law enforcement agency with two or more of the following:

- (i) the date of the accident;
- (ii) the name of any person involved in the accident; or
- (iii) the specific location of the accident.

V.T.C.S. art. 6701d, § 47(b)(1) (emphasis added).

cc: Mr. Joe Hays
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(w/o enclosures)